

## Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ISO-00 SCA-01 JUSE-00 /030 R

DRAFTED BY L/M/SCA:CLBLAKESLEY:AD

APPROVED BY L/M/SCA:KEMALMBORG

EUR/CAN:EBROWN

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R 212303Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: CPRS, PFOR, CA

SUBJECT: EXTRADITION - LAURENT COURBIN

1. SUBJECT WAS EXTRADITED FROM U.S. TO CANADA IN 1972 FOR THE CRIME OF MURDER. DEPARTMENT IS ADVISED THAT ABOVE-NAMED SUBJECT WAS ACQUITTED BY CANADIAN COURT ON THE CHARGE OF MURDER (THE ONLY OFFENSE FOR WHICH EXTRADITION WAS REQUESTED AND GRANTED) AND NOW IS BEING OR IS ABOUT TO BE TRIED ON ANOTHER OFFENSE COMMITTED PRIOR TO HIS EXTRADITION. IT IS THE USG POSITION THAT UNDER ARTICLE III OF THE SUPPLEMENTARY EXTRADITION CONVENTION OF 1889 BETWEEN U.S. AND CANADA AN INDIVIDUAL EXTRADITED FROM THE U.S. TO CANADA MAY NOT BE TRIED FOR SUCH AN OFFENSE UNTIL HE HAS HAD AN OPPORTUNITY TO RETURN TO THE UNITED STATES.

2. EMBASSY SHOULD, THEREFORE, PRESENT A NOTE INCLUDING THE FOLLOWING LANGUAGE TO THE APPROPRIATE GOC AUTHORITIES:

"THE EMBASSY OF THE UNITED STATES REFERS TO NOTES NO. 82 AND 129 DATED APRIL 10, 1972 AND MAY 16, 1972, RESPECTIVELY, REQUESTING THE EXTRADITION TO CANADA OF JOHN RAY COLLINS AND LAURENT COURBIN FOR THE CRIME OF MURDER.

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"AFTER THE EXTRADITION HEARING IN THE UNITED STATES

MR. COLLINS AND MR. COURBIN WERE FOUND EXTRADITABLE FOR THE OFFENSE OF MURDER AND WERE COMMITTED FOR SURRENDER TO CANADA ACCORDING TO THE STIPULATIONS OF THE SUPPLEMENTARY EXTRADITION CONVENTION OF 1889 BETWEEN THE UNITED STATES AND CANADA.

ARTICLE III OF THIS CONVENTION PROVIDES:

'NO PERSON SURRENDERED BY OR TO EITHER OF THE HIGH CONTRACTING PARTIES SHALL BE TRIABLE OR BE TRIED FOR ANY CRIME OR OFFENSE, COMMITTED PRIOR TO HIS EXTRADITION, OTHER THAN THE OFFENSE FOR WHICH HE WAS SURRENDERED, UNTIL HE SHALL HAVE HAD AN OPPORTUNITY OF RETURNING TO THE COUNTRY FROM WHICH HE WAS SURRENDERED.'

"THE UNITED STATES EMBASSY HAS BEEN ADVISED THAT MR. COURBIN WAS FOUND NOT GUILTY OF THE CHARGE OF MURDER AND NOW IS BEING OR WILL BE TRIED ON A CHARGE OF RECEIVING STOLEN PROPERTY (WHATEVER THE TRUE-EXACT OFFENSE IS) AN OFFENSE COMMITTED PRIOR TO HIS EXTRADITION AND OTHER THAN THE OFFENSE FOR WHICH HE WAS EXTRADITED. PROSECUTION OF MR. COURBIN ON THE CHARGE OF RECEIVING STOLEN PROPERTY WOULD APPEAR TO BE CONTRARY TO ARTICLE III QUOTED ABOVE."

3. PLEASE ADVISE OF CANADIAN RESPONSE.

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, MURDER  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 MAR 1974  
**Decaption Date:** 01 JAN 1960  
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**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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